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C O N F I D E N T I A L DHAKA 000239

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SUBJECT: STACKING THE ELECTION COMMISSION

REF: DHAKA 41

Classified By: A/DCM D.C. McCullough, reason para 1.4 d.

1. (SBU) On January 16, President Iajuddin Ahmed, acting on the advice of PM Zia, appointed two new commissioners to the Election Commission (EC): BNP loyalists Mahfuzur Rahman, former High Court Justice, and S.M. Zakaria, the now former Secretary of the EC. Both men are expected to side with

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Chief Election Commissioner (CEC) M.A. Aziz in the debate over voter registration and other issues that arise over the course of the election year.

2. (SBU) On January 4, the High Court had dismissed a petition from the opposition Awami League (AL) challenging the legality of a new voter roll (reftel). The court wrote that the EC should take the previous list "as a major basis," that the Election Commission should meet immediately to address the issue, and that EC decisions should be based on the majority view of its commissioners. Until the commissioners were appointed and amidst the controversy over the interpretation and implementation of the court's ruling, CEC Aziz had been lying low and avoiding his office on the pretext of illness.

3. (SBU) According to Bangladesh's constitution, there must be an election commission and a Chief Election Commissioner, but it does not define the size of the EC. Prior to the new appointments, the EC consisted of a CEC appointed by the BNP in 2005 and two commissioners whose appointments during the last AL government will expire in April 2006.

4. (C) Comment: While both the BNP and AL have claimed victory on the court ruling on whether the EC should update or create a new voter's list, there is a more important political ramification: The AL will cite the background of the new commissioners, particularly the sycophantic Zakaria, as further evidence that the BNP is out to fix the election. CEC Aziz, whose appointment was broadly accepted outside the opposition because of his reputation as a good judge, has not demonstrated much leadership or backbone in his first serious political test as CEC.

CHAMMAS